

Handout - Modern collaborative approaches to negotiating

In modern times, the aim of negotiation should focus on **creative collaboration**, rather than traditional confrontation, or a winner-takes-all result. The modern and ideal aim of negotiations is for those involved in the negotiation process to seek and develop new ways of arriving at better collaborative outcomes, by thinking creatively and working in cooperation with the other side. Negotiating should develop a 'partnership' approach - not an adversarial one. As such, negotiating teams and staff responsible for negotiating can be encouraged to take a creative and cooperative approach to finding better solutions than might first appear possible or have historically been achieved in practice.

Every negotiation, when viewed creatively, entrepreneurially and collaboratively, provides an excellent opportunity to develop and improve synergies between and benefiting both sides, within the negotiated outcome.

Each side is uniquely positioned to see how the other side can more effectively contribute to the combined solution - it can be a strange concept to appreciate initially, but is extremely powerful in any situation where two people or sides seek to reach agreement to work together, which is essentially what negotiation is all about.

Etymology and definition

The word "negotiation" originated from the Latin expression, "negotiatum", past participle of negotiare, which means "to carry on business". "Negotium" (from "Nec Otium") means literally "not leisure".

"...is a dialogue between two or more people or parties, intended to reach an understanding, resolve point of difference, or gain advantage in outcome of dialogue, to produce an agreement upon courses of action, to bargain for individual or collective advantage"

Types of Negotiation

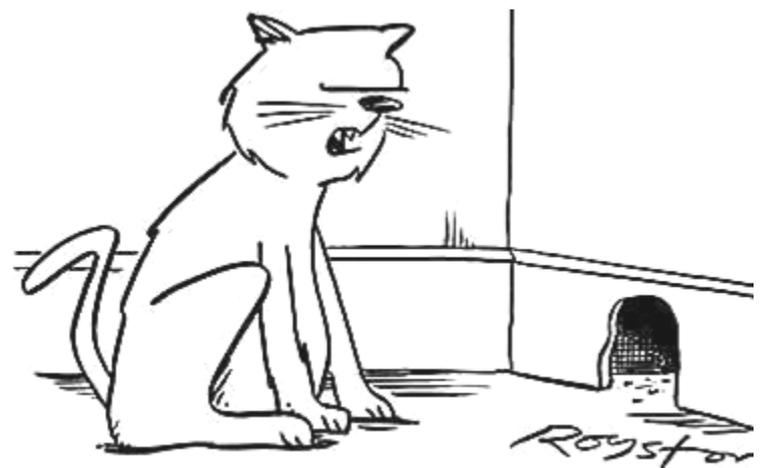
Distributive negotiation

Distributive negotiation is also sometimes called positional or hard-bargaining negotiation. It tends to approach negotiation on the model of haggling in a market. In a distributive negotiation, each side often adopts an extreme position, knowing that it will not be accepted, and then employs a combination of guile, bluffing, and brinksmanship in order to concede as little as possible before reaching a deal.

The term distributive implies that there is a finite amount of the thing being distributed or divided among the people involved. Sometimes this type of negotiation is referred to as the distribution of a “fixed pie.” There is only so much to go around, but the proportion to be distributed is variable. Distributive negotiation is also sometimes called *win-lose* because of the assumption that one person's gain results in another person's loss. A distributive negotiation often involves people who have never had a previous interactive relationship, nor are they likely to do so again in the near future.

Integrative negotiation

Integrative negotiation is also sometimes called interest-based or principled negotiation. It is a set of techniques that attempts to improve the quality and likelihood of negotiated agreement by providing an alternative to traditional distributive negotiation techniques. While distributive negotiation assumes there is a fixed amount of value (a “fixed pie”) to be divided between the parties, integrative negotiation often attempts to create value in the course of the negotiation (“expand the pie”). It focuses on the



“Can't we talk about this?”

underlying interests of the parties rather than their arbitrary starting positions, approaches negotiation as a shared problem rather than a personalized battle, and insists upon adherence to objective, principled criteria as the basis for agreement.

The word integrative implies some cooperation. Integrative negotiation often involves a higher degree of trust and the forming of a relationship. It can also involve creative problem-solving that aims to achieve mutual gains. It is also sometimes called *win-win* negotiation.

Negotiation tactics

There are many different ways to categorize the essential elements of negotiation.

One view of negotiation involves three basic elements:

- *Process,*
- *Behaviour* and
- *Substance.*

The process refers to how the parties negotiate: the context of the negotiations, the parties to the negotiations, the tactics used by the parties, and the sequence and stages in which all of these play out. Behaviour refers to the relationships among these parties, the communication between them and the styles they adopt. The substance refers to what the parties negotiate over: the agenda, the issues (positions and - more helpfully - interests), the options, and the agreement(s) reached at the end.

Adversary or partner?

The two basically different approaches to negotiating will require different tactics. In the distributive approach each negotiator is battling for the largest possible piece of the pie, so it may be quite appropriate - within certain limits - to regard the other side more as an adversary than a partner and to take a somewhat harder line. This would however be less appropriate if the idea were to hammer out an arrangement that is in the best interest of both sides. A good agreement is not one with maximum gain, but optimum gain.

The *Getting to YES* approach

This method consists of four main steps:

1. Separating the people from the problem;
2. Focusing on interests, not positions;
3. Generating a variety of possibilities before deciding what to do; and
4. Insisting that the result be based on some objective standard.